

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

SAXON INNOVATIONS, LLC,)
v. Plaintiff,)
PALM, INC.,) Civil Action No.: 6:09cv272
a Delaware Corporation;)
RESEARCH IN MOTION CORPORATION,)
a Delaware Corporation; and)
RESEARCH IN MOTION LTD.,)
a Canadian Corporation)
Defendants.)

)

)

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Saxon Innovations, LLC (“Saxon”) alleges against Defendants Palm, Inc., Research in Motion Corporation, and Research in Motion Ltd. (collectively, “Defendants”) as follows:

JURISDICTION

1. This action arises under the Patent Laws of the United States, 35 U.S.C. §§ 1 *et seq.* This Court has jurisdiction pursuant to 28 U.S.C. §§ 1331 and § 1338(a).

VENUE

2. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(b) and (c), and 28 U.S.C. § 1400(b) because Saxon is incorporated in this judicial district, and is subject to personal jurisdiction here.

PARTIES

3. Plaintiff Saxon Innovations, LLC is a Texas corporation. Saxon maintains corporate offices at 100 E. Ferguson, Suite 816, First Place, Tyler, TX 75702. Saxon is in the business of developing and licensing technology related to communications products.

4. On information and belief, Defendant Palm, Inc. ("Palm") is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business at 950 W. Maude Ave., Sunnyvale, CA 94085.

5. Palm is in the business of making, offering for sale, selling and supporting a variety of personal communications devices, including but not limited to cell phones, handheld computers and other wireless communications devices.

6. On information and belief, Defendant Research In Motion Ltd. is a foreign corporation organized and existing under the laws of Canada, with its principal place of business at 295 Phillip Street, Waterloo, ON N2L 3W8, Canada. On information and belief, Defendant Research in Motion Corporation is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business at 122 W. John Carpenter Pkwy., Ste. 430, Irving, TX 75039. Research In Motion Ltd. of Canada and Research in Motion Corporation of Delaware are collectively referred to herein as "RIM."

7. RIM is in the business of making, offering for sale, selling and supporting wireless hardware, software and services, including but not limited to cell phones, handheld computers and other wireless communications devices.

COUNT I

(Infringement of U.S. Patent No. 5,608,873)

8. On March 4, 1997, United States Patent No. 5,608,873 (the “‘873 Patent”), for an invention entitled “Device and Method for Interprocessor Communication Using Mailboxes Owned by Processor Devices,” was duly and legally issued by the United States Patent Office (a copy of the ‘873 patent is attached herewith as Exhibit A). Saxon is the owner of all rights, title, and interest in and to the ‘873 Patent.

9. On information and belief, Palm and RIM have been and still are infringing, contributing to the infringement of, and/or inducing the infringement of the ‘873 Patent by making, selling, using, offering for sale, and/or importing into the United States products embodying the patented invention and will continue to do so unless enjoined by this Court.

10. Saxon has been damaged by Palm and RIM’s infringement, which will continue unless enjoined by this Court.

WHEREFORE, Saxon prays for judgment and relief as follows:

A. A preliminary and permanent injunction against Defendants’ continued infringement, inducing of infringement, and contributing to infringement of the ‘873 Patent;

B. An award of damages in favor of Saxon and against the Defendants sufficient to compensate Saxon for Defendants’ infringement of the ‘873 Patent, and an assessment of prejudgment interest and post-judgment interest;

C. A finding by the Court that this case is exceptional under 35 U.S.C. § 285;

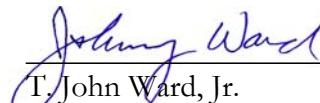
D. An award to Saxon of its reasonable expenses, including attorneys' fees and costs of this action; and

E. Such other and further relief as the Court finds just and proper.

DEMAND FOR JURY TRIAL

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Saxon hereby demands a trial by jury on all issues so triable.

Respectfully submitted,



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